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KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			MEI, XU	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/816,526  
Filing Date: March 23, 2001  
Appellant(s): MUELLER ET AL.

**MAILED**

**JAN 02 2008**

**Technology Center 2600**

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Gerard A. Messina  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/01/2007 appealing from the Office action  
mailed 11/29/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,292,440	Lee	09-2001
6,990,208	Lau et al	01-2006

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U. S. Patent No. 6,292,440) in view of Lau et al (U. S. Patent No. 6,990,208, hereafter, Lau).

Regarding claim 17, Lee discloses a MP3 car player (figure 1). Lee's disclosure comprises a display (301), which reads on a display; a speaker, which reads on a loudspeaker; CD/CD-ROM, and memory block (200), which reads a storage device; a keypad interface unit (302), which reads on an input apparatus; a controlling unit coupled to a MP3 decoder (400/500), which reads on a processor (col. 3, lines 10-43, col. 1, lines 48-65, col. 2, lines 17-39 and col. 4, lines 10-19). Even though Lee's display displays information about the MP3 files for playback and manipulation, Lee fails to specifically disclose the processor including an element for displaying directories located on the storage device.

Regarding processor including an element for displaying directories located on the storage device, in a similar field of endeavor, Lau disclose a vehicle sound system which includes the storage of MP3 files to the music server and/or head unit (including a display) of the within a vehicle and/or internet music files into a computer, where in the multimedia files are stored in level of directories and obviously displayed. Lau also discloses a directory/playlist config contains files that include special configuration information for each play list that is clearly related to the multimedia data files stored in the directory /MP3, which reads on different virtual carriers as now amended and claimed (col. 5, lines 17-28, col. 6, lines 17-62, col. 8, lines 17-32 and lines 47-67).

Thus, it would have been obvious to one of the ordinary skill in the art the time the invention was made to modify the invention of Lee by providing displaying element with the capability of providing a display of directories indicated of the data files as data carriers, playlist (titles), as shown by Lau, in order to enhances the visual management and selection of the multimedia files for the automotive/car sound system.

Regarding claims 6 and 7, Lee and Lau disclose everything claimed as applied above (see claim 17). Lee (figures 1-3 and col. 3, lines 10-43) and Lau discloses the storage device as removable from the disk drive (col. 4, lines 39-53, col. 6, lines 5-14 and col. 5, lines 17-28 of Lau, as per claim 6), wherein obviously at least one of the files are automatically decoded and played back via the loudspeakers. And the display of the titles names and track numbers obviously teaches the processor extracting information, therein, as shown by Lee.

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Regarding claims 10-12, Lee and Lau discloses everything as applied above (see claim 17). Lee and Lau disclose the capability of special configuration of play back of the files (col. 6, lines 25-35), which provides random playback of a particular file and/or all files.

Regarding claims 13, Lee and Lau disclose everything claimed as applied above (see claim 17). Lee and Lau (col. 8, lines 47-67) disclose the storage device as CD file and hard disk.

Regarding claims 14, Lee and Lau disclose everything claimed as applied above (see claim 17). Lee (col. 1, lines 58-62) and Lau (col. 6, lines 17-35) disclose the multimedia files as MP3, which indicates the files coded in MP3 format.

Regarding claims 15, Lee and Lau disclose everything claimed as applied above (see claim 17). Lee and Lau disclose a keyboard interface, which may constitutes as a remote control apparatus.

Regarding claims 4, Lee and Lau disclose everything claimed as applied above (see claim 17). Lee and Lau fail to disclose the input apparatus including a rocker operable in a vertical and horizontal direction. A rocker type input device was well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lee and Lau by implementing a rocker for the purpose of enhanced and easy-to-use input manipulation.

Regarding claims 16, Lee and Lau disclose everything claimed as applied above (see claim 17). Lee and Lau fail to disclose the processor displaying information in a step-by-step process. A step-by-step display of information was well known in the art.

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Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lee and Lau by implementing the processor to provide step-by-step display of information for the purpose of providing the user with visual efficiency of the information about a particular file or files.

Regarding claim 2-3, Lee discloses a MP3 car player (figure 1). Lee's disclosure comprises a display (301), which reads on a display; a speaker, which reads on a loudspeaker; CD/CD-ROM, and memory block (200), which reads a storage device; a keypad interface unit (302), which reads on an input apparatus; a controlling unit coupled to a MP3 decoder (400/500), which reads on a processor (col. 3, lines 10-43, col. 1, lines 48-65, col. 2, lines 17-39 and col. 4, lines 10-19). Even though Lee's display displays information about the MP3 files for playback and manipulation, Lee fails to specifically disclose the processor for decoding to include an element for displaying directories located on the storage device.

Regarding processor including an element for displaying directories located on the storage device, in a similar field of endeavor, Lau disclose a vehicle sound system which includes the storage of MP3 files to the music server and/or head unit (including a display) of the within a vehicle and/or internet music files into a computer, where in the multimedia files are stored in level of directories and displayed via the head unit display and the display of the controller of the computer. Lau also discloses a directory/playlist config contains files that include special configuration information for each play list that is clearly related to the multimedia data files stored in the directory /MP3, which reads

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on different virtual carriers as now amended and claimed (col. 5, lines 17-28, col. 6, lines 17-62, col. 8, lines 17-32 and lines 47-67), and Lau further discloses the use of GUI, wherein the tracks (files) may be manipulated by being removed, added, etc. to playlist or directory (col. 13, lines 26-67).

Thus, it would have been obvious to one of the ordinary skill in the art the time the invention was made to modify the invention of Lee by providing displaying element with the capability of providing a display of directories indicated of the data files as data carriers, playlist (titles), as shown by Lau, in order to enhances the visual management and selection of the multimedia files for the automotive/car sound system.

Regarding claim 5, Lee discloses a MP3 car player (figure 1). Lee's disclosure comprises a display (301), which reads on a display; a speaker, which reads on a loudspeaker; CD/CD-ROM, and memory block (200), which reads a storage device; a keypad interface unit (302), which reads on an input apparatus; a controlling unit coupled to a MP3 decoder (400/500), which reads on a processor (col. 3, lines 10-43, col. 1, lines 48-65, col. 2, lines 25-39 and col. 4, lines 10-19). Even though Lee's display displays information about the MP3 files for playback and manipulation, Lee fails to specifically disclose the processor for decoding to include an element for displaying directories located on the storage device, therein as claimed

Regarding processor including an element for displaying directories located on the storage device, in a similar field of endeavor, Lau et al. (herein, Lau) disclose a vehicle sound system which includes the storage of MP3 files to the music server and/or



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head unit (including a display) of the within a vehicle and/or internet music files into a computer, where in the multimedia files are stored in level of directories and displayed via the head unit display and the display of the controller of the computer. Lau also discloses a directory/playlist config contains files that include special configuration information for each play list that is clearly related to the multimedia data files stored in the directory /MP3, which reads on different virtual carriers as now amended and claimed (col. 5, lines 17-28, col. 6, lines 17-62, col. 8, lines 17-32 and lines 47-67), and Lau further indicates how the tracks of a play list may be reproduced, wherein it obvious to the function of a playback device to display a particular file or track for a predetermined time during the reproduction of the file/track, and display a second file/track after that the first file/track has come to an end (col. 9, lines 30-45).

Thus, it would have been obvious to one of the ordinary skill in the art the time the invention was made to modify the invention of Lee by providing displaying element with the capability of providing a display of directories indicated of the data files as data carriers, playlist (titles), as shown by Lau, in order to enhances the visual management and selection of the multimedia files for the automotive/car sound system.

Regarding claim 9, Lee discloses a MP3 car player (figure 1). Lee's disclosure comprises a display (301), which reads on a display; a speaker, which reads on a loudspeaker; CD/CD-ROM, and memory block (200), which reads a storage device; a keypad interface unit (302), which reads on an input apparatus; a controlling unit coupled to a MP3 decoder (400/500), which reads on a processor (col. 3, lines 10-43,

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col. 1, lines 48-65, col. 2, lines 17-39 and col. 4, lines 10-19). Lee's display of the titles names and track numbers obviously teaches the processor extracting information, therein. Even though Lee's display displays information about the MP3 files for playback and manipulation, Lee fails to specifically disclose the processor for decoding to include an element for displaying directories located on the storage device, therein as claimed.

Regarding processor including an element for displaying directories located on the storage device, in a similar field of endeavor, Lau discloses a vehicle sound system which includes the storage of MP3 files to the music server and/or head unit (including a display) of the within a vehicle and/or internet music files into a computer, where in the multimedia files are stored in level of directories and displayed via the head unit display and the display of the controller of the computer. Lau also discloses a directory/playlist config contains files that include special configuration information for each play list that is clearly related to the multimedia data files stored in the directory /MP3, which reads on different virtual carriers as now amended and claimed (col. 5, lines 17-28, col. 6, lines 17-62, col. 8, lines 17-32 and lines 47-67).

Thus, it would have been obvious to one of the ordinary skill in the art the time the invention was made to modify the invention of Lee by providing displaying element with the capability of providing a display of directories indicated of the data files as data carriers, playlist (titles), as shown by Lau, in order to enhances the visual management and selection of the multimedia files for the automotive/car sound system.

**(10) Response to Argument**

Appellant's arguments filed 10/01/2007 have been fully considered but they are not persuasive.

Appellant's argument with regard to independent claims 17, 2, 5 and 9 that the reference of Lee or Lau fails to disclose the claimed limitation of "virtual data carriers". The Examiner disagreed. The written claim language in independent claims 17, 2, 5 and 9 merely stated that: "the processor includes *an element for displaying directories* located in the storage device and in which the multimedia data files are contained, as *different virtual data carriers*", without any written interpretation, description or explanation in regard what are being considered as "different virtual data carriers". Furthermore, in regard to the claim interpretation, the claims are interpreted in light of the specification; limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In the instant case, this broadly claimed limitation of "different virtual data carriers" is clearly can be interpreted as merely a different way of naming "an element for displaying directories", as the way it was written in independent claims 17, 2, 5 and 9. And this broadly claimed limitation fails to recite any specific interpretation in the various contexts of the independent claims. With regard to the Lau reference, the different directories located in the storage device and in which the multimedia files are contained is disclosed in Col. 6, lines 17-35. And Lau also discloses GUI and monitor 126 (as shown in Fig. 1) for displaying various operations including displaying different directories, as aforementioned, of the device for playback multimedia data files that would have met

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the claimed "element for displaying directories" as claimed. It's therefore deemed the Lau reference discloses the broadly claimed "different virtual data carriers" as argued.

In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for the combinations of the Lee references by providing displaying element with the capability of providing a display of directories indicated of the data files as data carriers, playlist (titles), as shown by Lau, in order to enhances the visual management and selection of the multimedia files for the automotive/car sound system, would have been considered in the knowledge generally available to one of ordinary skill in the art, as stated in the rejection above.

Appellant's arguments presented on pages 11-15 of the Appeal Brief fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the

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claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

As these are the totality of arguments presented, and they have been found unpersuasive, the existing rejection is deemed appropriate.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Xu Mei/

Xu Mei

Conferees:

Xu Mei



Vivian Chin

Sinh Tran



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**